

REMARKS

The Examiner's Action mailed on February 25, 2008, has been received and its contents carefully considered. Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks. Claims 1, 4, 6 and 8 are pending in the present application and claim 1 has been amended. Applicant submits that claims 1, 4, 6 and 8 are in condition for allowance.

MINOR INFORMALITIES

The Examiner suggested amending claim 1 to recite a --frame of the motor-- instead of the previously recited "motor frame" in order to clarify the structural element recited in the claim and use consistent language when defining such structure in the claim. Claim 1 has been amended according.

35 U.S.C. §102(b) REJECTIONS

Claims 1, 6 and 8 were rejected under 35 U.S.C. §102(b) as anticipated by Japanese Patent No. JP 9-327149 (the '149 reference). Applicant respectfully traverses each of these rejections for at least the following reasons.

Claim 1 has been amended in accordance with the suggestion of the Examiner during the Examiner Interview held on May 14, 2008, in order to more clearly define the one piece integral structure formed by the frame of the motor and the external cylinder. Specifically, amended claim 1 now recites, "the frame

of the motor is formed as a one-piece, integral structure with an extended part of the external cylinder and “the cylindrical member is constituted as a one-piece, integral structure with the external cylinder”. The one-piece, integral structure formed by the frame of the motor and the extended part of the external cylinder may serve to facilitate the radiation of heat generated by the motor (Applicant's Specification, the first full paragraph on p. 10). Additionally, the cylinder member constituted as a one-piece, integral structure with the external cylinder may also serve to promote the radiation of heat generated by the motor, as well as, facilitate support and installation of the motor at the shock absorber (Applicant's Specification, the first two full paragraphs on p. 10).

The Examiner uses the '149 reference to teach; “an external cylinder (6) and an internal cylinder (12) to be slidably inserted into the external cylinder; an upper part (18) of the external cylinder extends (as broadly recited, by connection of cylinder member 18 to external cylinder 6) so as to cover the motor” (Office Action, page 3). However, as shown in Figs. 1, 3 and 4, the frame or cover (18) of the motor is formed as a separate piece from the external cylinder (6) and fastened thereto by bolt (19).

Therefore, the '149 reference fails to disclose, teach or inherently imply “the frame of the motor is formed as a one-piece, integral structure with an extended part of the external cylinder” as recited in amended claim 1, therefore, claim 1 is believed to be patentably distinguishable over the cited prior art. Additionally, claims 6 and 8 depend from independent claim 1 and, therefore, are also believed

to be patentably distinguishable over the cited prior art. Accordingly, Applicant respectfully traverses, and requests reconsideration of, these rejections based on this reference.

35 U.S.C. §103(a) REJECTIONS

Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over the '149 reference in view of US Patent No. 5,070,284 to Patil et al. (the '284 reference). Applicant respectfully traverses this rejection for at least the following reasons.

Claim 4 depends from independent claim 1 and, therefore, incorporates all of the claim limitations recited in claim 1. As mentioned previously, the '149 reference fails to disclose, teach or imply "the frame of the motor is formed as a one-piece, integral structure with an extended part of the external cylinder" as recited in amended claim 1, therefore, claim 1 is believed to be patentably distinguishable over the '149 reference.

Additionally, the '284 reference discloses a motor 104 and a cylinder member (as seen in Fig. 1), but fails to disclose, teach or imply "the frame of the motor is formed as a one-piece, integral structure with an extended part of the external cylinder" as recited in amended claim 1, therefore, claim 1 is believed to be patentably distinguishable over the '149 and '284 references either alone or in combination, as well as, claim 4 which depends from independent claim 1.

Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these references.

EXAMINER INTERVIEW

Applicant wishes to thank the Examiner for the opportunity to participate in an Examiner's Interview. Applicant appreciated the opportunity to review and discuss with the Examiner distinguishing characteristics between the Applicant's invention and the references cited by the Examiner and potential claim amendments. Upon incorporating Examiner suggested claim 1 amendments, specifically, "the frame of the motor is formed as a one-piece, integral structure with an extended part of the external cylinder" and "the cylindrical member is constituted as a one-piece, integral structure with the external cylinder" Applicant now believes that currently pending claims 1, 4, 6 and 8 are patentably distinguishable over the references cited by the Examiner and are in position for allowance.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

AMENDMENT

10/516,571

Should any fee be required, the Director is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and is requested to advise us accordingly.

Respectfully submitted,



Robert H. Berdo, Jr. – Reg. No. 38,075
RABIN & BERDO, PC – Cust. No. 23995
Telephone: 202-371-8976
Fax: 202-408-0924

May 20, 2008
Date

RHB/TJM/vm

AMENDMENT

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